IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 16531 of 2004

Between:

Appala Narasamma @ Lakshmi, W/o. Late Radha Krishna Murthy,
Kesarapally Vill, Gannavaram Mandal,

Krishna District.

..... PETITIONER

AND

1.The Director General of Metrology,

India Meteorological Department, under Air Port Authority of India
Lodhi Road, NEW DELHI.

2. The Deputy. Director General of Meteorology,

India Meteorological Department.,
Under Air Port Authority of India,

50 -College road, CHENNAI-6.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue writ or direction particularly in the nature of *Writ of Mandamus* or any other appropriate writ, declaring that the petitioner is entitled for the family pension, being the legally wedded wife of late P. Radha Krishna Murthy, even in the options of mentioning the details of family furnished by him at the time of his retirement.

Counsel for the Petitioner: MR. V.R.AVULA

Counsel for the Respondents: MR.ARAJASHEKAR REDDY (SC FOR

Central Government)

The Court made the following:

-

-

-

-

-

-

-

-

-

THE HON'BLE SRI JUSTICE DR. G. YETHIRAJULU

-

WRIT PETITION No.16531 OF 2004

-

O R D E R:

-

The petitioner claims that she is the wife of late Palaparthy Radha Krishna Murty, who is a retired employee of the respondent department. The petitioner contends that her husband late Palaparthy Radha Krishna Murty retired from service on 30.06.2000 on attaining the age of superannuation and died on 10.01.2003. During the life time of the said Radha Krishna Murty, his pension was fixed and he was drawing the pension till his death. The petitioner contends that she made an application to the 2nd respondent for granting family pension to her. The 2nd respondent passed an order on 01.08.2003 informing the petitioner that the said late Radha Krishna Murty did not mention any person in the details of the family (furnished by him at the time of retirement) and declared that he did not have any family and accordingly the Pay and Accounts Office did not authorize family pension. The petitioner being aggrieved by the said order, approached this court through this writ petition, seeking a declaration that she is entitled for family pension being the legally weeded wife of late Palaparthy Radha Krishna Murty.

2. The learned counsel for the respondents submitted that in the pension payment order, Section-3: Details of family pension payable on the death of the pensioner were mentioned as “Not applicable”. This gave an indication to the respondents that there are no relations of the Government employee as on the date of the presentation of the pension papers. Therefore, the respondents were right in passing the impugned order. If the petitioner is so aggrieved, it is for the petitioner to obtain necessary orders to prove her relationship with the said Radha Krishna Murty from a competent Court, and make an application to the respondents for release of family pension. On receiving such application, the respondents may examine it and pass appropriate orders according to the Rules.

3. The writ petition is, accordingly, disposed of. No costs.

_____

(DR. G. YETHIRAJULU,J)

15th September, 2004.

Ksn

ASSISTNAT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.The Director General of Metrology,

India Meteorological Department, under Air Port Authority of India
Lodhi Road, NEW DELHI.

2. The Deputy. Director General of Meteorology,

India Meteorological Department.,
Under Air Port Authority of India,

50 -College road, CHENNAI-6.

3.Two C.D. copies